

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH L. MIZZONI,

Plaintiff,

vs.

DEBRA BROOKS, *et al.*,

Defendants.

3:11-cv-00632-LRH-WGC

ORDER

Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that plaintiff is unable to prepay the full filing fee in this matter. Therefore,

IT IS ORDERED as follows:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**; however, plaintiff must pay an initial partial filing fee of **\$37.52** toward the full filing fee of three hundred fifty dollars (\$350.00). Plaintiff shall have **thirty (30) days** from the date this order is entered in which to have the designated fee sent to the Clerk of the Court. Failure to do so may result in dismissal of this action. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. §

1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas at government expense.
3. The Clerk of the Court shall **SEND** plaintiff two copies of this order. Plaintiff is ordered to make the necessary arrangements to have one copy of this order attached to the check in the amount of the designated fee, by sending a copy of the order with the “brass slip” for the amount of the fee to Inmate Services for the Nevada Department of Corrections.
4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding month’s deposits to plaintiff’s account (**Joseph L. Mizzoni #68549**), in the months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk’s Office. The Clerk shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.
5. The Clerk shall **DETACH** and **FILE** the complaint.
6. The Clerk shall electronically **SERVE** a copy of this order, a copy of the court’s Screening Order (ECF No. 4) and a copy of plaintiff’s complaint (ECF No. 1-1) on the Office of the Attorney General of the State of Nevada, attention Pamela Sharp.
7. The Attorney General’s Office shall advise the court within **twenty-one (21) days** of the date of the entry of this order whether it can accept service of process for the named defendants. As to any of the named defendants for which the Attorney General’s Office cannot accept service, the Office shall file, *under seal*, the last

known address(es) of those defendant(s).

8. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and address for said defendant(s).
9. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint within **sixty (60) days** from the date of this order.
10. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, the plaintiff shall direct service to the individual attorney named in the notice of appearance, at the address stated therein. The court may disregard any paper received by a district judge or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

IT IS SO ORDERED.

DATED: February 6, 2012.


UNITED STATES MAGISTRATE JUDGE